

**RULES OF THE CITY OF HOUMA MUNICIPAL
FIRE AND POLICE CIVIL SERVICE BOARD**

I. Jurisdiction

Section 101 Jurisdiction Authority

- A. Jurisdiction over Civil Service matters is conferred upon the City of Houma Municipal Fire and Police Civil Service Board pursuant to the Constitution and Statutes of the State of Louisiana including, but not limited to, LSA-R.S. 33:2471 et seq.
- B. The City of Houma Municipal Fire and Police Civil Service Board may decline to exercise jurisdiction over matters upon which jurisdiction is conferred.

II. Duties of the Board

Section 201

The Civil Service Board shall,

- A. Represent the public interest in matters of personnel administration in the Fire and Police services of the City of Houma/Terrebonne Parish Consolidated Government.
- B. Advise and assist the appointing authority and chiefs of the Fire and Police Departments with reference to the maintenance and improvement of personnel standards and administration in the Fire and Police services, and the classified system.
- C. Advise and assist the employees in the classified service with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
- D. Make, at the direction of the appointing authority, chief of either the Fire or Police Department, or upon written petition of any citizen for just cause, or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of the Civil Service laws and these rules in the said Fire and Police services; review and modify or set aside upon its own motion, any of its actions; take any other action which it deems to be desirable or necessary in the public interest or to carry out effectively the provisions and purposes of the Civil Service statutes and these rules.

- E. Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position, or abolition thereof, suspension or dismissal of the officer or employee, in accordance with provisions of the Civil Service statutes and these rules.
- F. Hear and pass upon matters which the appointing authority, the chief of the Fire and Police Departments and the State Examiner of the Municipal Fire and Police Civil Service bring before it.
- G. Make, alter, amend and promulgate rules necessary to carry out effectively the Civil Service laws of the State of Louisiana and these rules.
- H. Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by the rules of the Board.
- I. Make reports to the appointing authority, either upon its own motion or upon the official request of the governing body regarding general or special matters of personnel administration in and for the Fire and Police services or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the Board.
- J. Nothing herein shall be construed as limiting the powers and duties of the Board as specified in the Civil Service Laws of the State of Louisiana.
Source LSA-R.S. 33:2477

III. Meetings

Section 301

The board shall hold a regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.

Section 302

Unless otherwise provided in the notice for such meetings, all meetings shall be held at the Public Safety Complex at 500 Honduras Street, Houma, Louisiana.

Section 303

- A. Notice of meetings shall be given by posting such notice at the Central Fire Station Building and the Public Safety Complex, at 500 Honduras Street, Houma, Louisiana, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of three of the members present at a meeting, the Board may take up a matter not on the agenda.
- B. Notice of meetings shall be given to Board members and the Board attorney by telephone or fax or both not less than five (5) days before the date fixed for such meeting in addition to the notice specified in Subsection A of this section.

Section 304

Special meetings of the board will be held only upon call of the chairperson, or in his/her absence the vice-chairperson, or as provided by Revised Statute 33:2471, and the rules that follow.

Section 305

All board meetings shall be open to the public, except when the board meets in executive session.

Section 306

Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for a decision of all matters before the board.
Source LSA-R.S. 33:2476(M)

IV. Subject Matter of Meetings

Section 401

At regular meetings of the board it shall consider all old

and new business which may be brought to its attention in the manner hereinafter provided.

Section 402

At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of three of the board members, other matters may be considered.

V. Order of Business

Section 501

At regular meetings the order of business shall be as follows:

1. Pledge of Allegiance
2. Reading of the Minutes
3. Approval of the Minutes
4. Decisions and Orders on matters considered at previous hearings and meetings.
5. Items listed on Agenda
6. New Business
7. Public Comment

Section 502

At special meetings the order of business shall be as follows:

1. Pledge of Allegiance
2. Reading and Approval of Minutes
3. Decisions and Orders on matters considered at previous hearings and meetings.
4. Hearing of matters previously fixed for the special meeting
5. Items listed on Agenda

VI. Executive Session

Section 601

The Board may meet in executive session during regular or special meetings by a majority vote of those present when considering those matters in accordance with the laws of

the State of Louisiana.

Section 602

Any voting on matters discussed in executive session shall be conducted only upon return to public meeting.

Section 603

These rules shall serve as official notice that the Board may conduct an executive session at any meeting of the Civil Service Board without the necessity of listing an executive session on the agenda for such meeting as provided by law.

VII. Hearings and Appeals

Section 701 Request for a Hearing

A request for a Hearing for any reason authorized by the Civil Service Statutes, LSA-R.S. 33:2471 et seq., shall be commenced by a written request directed to the Civil Service Board. Such request shall be forwarded to the Board in care of the Chairperson of the Board at the address of the Secretary of the Board.

Section 702 Request for an Appeal

- A. Any person authorized to appeal to the Civil Service Board under the provisions of the Civil Service law or these rules may apply for such appeal by filing a written request for appeal directed to the Civil Service Board. Such request shall be forwarded to the Board in care of the Chairperson of the Board at the address of the Secretary of the Board. The request for an appeal shall contain a clear and concise statement of the action complained against, the basis of the appeal and the desired relief. All applications for appeals must be signed by the applicant or his counsel, if any, and must give the full name and address of the appellant and of his counsel.
- B. No appeal shall be valid unless the above stated application for appeal is received by the Civil Service Board within 15 days following the action complained against, or where written notice is given

of an action to be thereafter effective, within the 15 days following the date on which such written notice is received.

- C. Any person requesting an appeal or hearing under the provisions of the Civil Service Law or these Rules shall be present at the meeting of the Board when such written request for an appeal or hearing is presented to the Board.
- D. The Secretary of the Board shall record the date of receipt on each notice of appeal.

VIII. Recusation of Board Members

Section 801 Grounds

- A. A Board member shall be recused as follows:
 - 1. When the Board member is a witness to the matter presented to the Board; or
 - 2. A Board member is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and the Board member was directly involved in the incident out of which such action arose; or
 - 3. Is the spouse of a party, or of an attorney employed in the claim, or is related to a party, or to the spouse of a party, within the fourth degree, or is related to an attorney employed in the claim; or to the spouse of an attorney within the second degree; or
 - 4. Is biased, prejudiced, or interested in the claim or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys to such an extent that he would be unable to render a fair and impartial decision.

Section 802

A Board member may recuse himself after consultation with the Chairperson, regardless of whether a Motion for Recusation has been filed by a party or not, concerning any Hearing or Appeal in which a ground for recusation exists.

Section 803 Authority of Board Members Until Recused

Until a Board member has recused himself or a Motion for his recusal has been granted, the Board member has full power and authority to act.

Section 804

If recusal of a Board member results in the inability of the Board to make a finding of fact or to reach a decision by the concurring vote of three members as required by LSA R.S. 33:2476 (M), the Board shall be considered to have affirmed the action of the appointing authority.

IX. Power and Authority**Section 901**

- A. The Board shall have the power to enforce any lawful order and the discretionary authority to use necessary sanctions, including dismissal, in order to control the orderly process of the Hearing, enforce orders, and these rules.
- B. The Board shall have the authority to issue subpoenas and subpoena duces tecums.
- C. A Board member shall not refer any individual to an attorney for representation in a Civil Service matter.
- D. A Board member shall not have ex parte communication with any party to a Civil Service Hearing or an attorney representing a party in a Civil Service Hearing which is designed to influence a Board member's decision in any matter.
- E. This section shall not be interpreted as limiting the powers or duties of the Board as specified in the Civil Service Statutes of the State of Louisiana.

Section 902 Contempt

- A. The Board shall have the power of contempt to accomplish the just, speedy and orderly process of a Hearing.
- B. Direct contempt in a Civil Service proceeding shall be as defined in the Louisiana Code of Civil Procedure

Article 222, except that it shall be committed before or in response to a subpoena or summons of the Civil Service Board instead of the Court. In a case of direct contempt, the Civil Service Board may apply to the Judge of the District Court of Terrebonne Parish for an attachment against such person for contempt. The District Judge shall issue such attachment and order that the person be immediately brought before him for hearing on the contempt charge. The signed order shall, upon receipt by the proper officer, be served immediately. At the hearing, the Judge shall have the authority to make such order as he shall deem proper, not inconsistent with the law for the punishment for contempt or enforce obedience, and to punish such person for his default or disobedience.

- C. Constructive contempt in a Civil Service proceeding shall be as defined in Louisiana Code of Civil Procedure Article 224, except that it shall be concerning the Civil Service Board and hearing procedures instead of the Court. In a case of constructive contempt, the Civil Service Board may apply to a Judge of Terrebonne Parish for a proceeding as described in Louisiana Code of Civil Procedure Article 225.
- D. Nothing in this section shall be construed to limit the power of the Civil Service Board to encourage compliance with and enforcement of the Board's orders by means other than referral to the District Court for contempt proceedings.
Reference LSA-R.S. 23:1310.7

X. Secretary

All pleadings and documents to be filed with the Civil Service Board and all exhibits introduced into evidence shall be delivered to the Secretary of the Board for that purpose. The Secretary shall endorse the date of filing and shall retain possession of the pleading or document for inclusion in the record or in the files of the Board.

XI. Security

Section 1101

- A. The term "Bailiff" shall refer to any peace officer or duly commissioned reserve officer assigned by the

Board to maintain order at each Civil Service Board Hearing.

- B. The Bailiff may in his discretion inspect any object carried by any person entering the premises. No one shall enter or remain in the premises without submitting to such an inspection if requested to do so.
- C. No person shall be admitted to or allowed to remain at a Civil Service Board meeting with any object that might be employed as a weapon unless he or she has been authorized in writing by the Board to do so, or unless he or she is a peace officer or duly commissioned reserve officer on duty.
- D. The Bailiff shall enforce the whole of this Rule, and pursuant to his authority as a peace officer or duly commissioned reserve officer, shall be authorized in his discretion to take any legal action necessary to preserve the order and security of the premises.

X11. Recording

Section 1201

- A. The Civil Service Board shall not be required to record any proceedings or testimony at any hearing or appeal.
- B. Unless authorized by the Board, no cameras, recording equipment or other type of electrical or electronic device shall be brought into a Civil Service Board meeting, hearing or appeal.
- C. Any party to a hearing or appeal may, at their own expense, make the necessary arrangements for the recordation of testimony at a Civil Service proceeding. The party shall inform the Board of the name, address and telephone number of the individual recording the hearing or appeal at their request. The Board shall be furnished a copy of the transcript of the hearing or appeal to be included in the official records and files of the Board for such hearing. The cost of the copy furnished to the Board shall be the responsibility of the party providing the individual to record the hearing or appeal.

- D. If no party furnishes a court reporter, the Secretary of the Board shall take notes as is feasible and the Board shall make a written finding of fact.

XIII. Decorum

Section 1301 General

Non-Board members shall observe the following at all Civil Service Board meetings, hearings and appeals:

- A. No tobacco in any form will be permitted at any time.
- B. No food or beverage shall be brought into the meeting, hearing or appeal.

Section 1302 Non-Board Members

- A. Non-Board members shall observe the following at all Civil Service Board meetings, hearings and appeals:
 - a. No individual shall direct any comment or question to the Board or any Board member except during that portion of the meeting allocated to public comment or unless instructed to do so by the Board or a Board member.
 - b. All individuals shall remain quiet.
 - c. All individuals shall act with due respect to the Board. Failure to act with due respect may subject such individual to removal.

Section 1303 Attorneys

- A. An attorney at law is an officer of the Board. An attorney shall conduct himself at all times with decorum, and in a manner consistent with the dignity and authority of the Board and the role which he should play in the administration of justice.
- B. All attorneys shall dress appropriately. For

gentlemen, this means a coat and tie. For ladies, this mean appropriate professional attire.

- C. Attorneys shall treat the Board, its officers, witnesses, opposing parties, and opposing counsel with due respect; shall not interrupt opposing counsel, Board members, or Board attorney or otherwise interfere with or impede the orderly dispatch of judicial business by the Board; shall not knowingly encourage or produce false evidence; and shall not knowingly make any misrepresentations or otherwise impose upon or deceive the Board.
- D. For a violation of any of the provisions of this sections, the attorney subjects himself to proceedings for contempt of the Board.

Section 1304 Withdraw of Counsel

When an attorney seeks to obtain an ex parte order to withdraw as counsel for a party, he shall include in his application the last known address of the party along with the statement that his withdrawal will not retard the progress of the case and that he has given written notice to the party he was previously representing that he is no longer counsel to him. A copy of such written notice shall be attached to the application for the ex parte order to withdraw. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all parties.

XIV. General Provisions

Section 1401 Abandonment

- A. A request for a Hearing or Appeal may be dismissed by an ex parte order of the Board for lack of prosecution for the following reasons:
 - 1. When a party fails to appear for a properly noticed conference or Hearing or Appeal.
 - 2. When a party fails to proceed with his case at a properly noticed Hearing or Appeal.
- B. If a party fails to appear for a properly noticed Hearing or Appeal the Board may proceed with the

Hearing or Appeal and render its decision based upon the evidence presented at such Hearing or Appeal.

Section 1402 Pleadings Allowed

The pleadings allowed in Civil Service Board matters shall be in writing.

Section 1403 Signing of Pleadings

- A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleadings and state his address.
- B. The signature of an attorney or party shall constitute a certification by him that he has read the pleading; that to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact; that it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and it is not interposed for any improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of the proceedings.
- C. If a pleading is not signed, it shall be stricken unless properly signed after the omission is called to the attention of the pleader.
- D. If, upon Motion of any party or upon the Board's Motion, the Board determines after a Rule to Show Cause, that a certification has been made in violation of this section, the Board shall impose upon the person who made the certification or the represented party or both, a sanction in the form of an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleadings, including a reasonable attorney's fee.

Section 1404 Format of Documents

- A. Any pleading or other document submitted to the Board shall be typed or printed legibly on 8 ½" x 11" paper and shall bear the name and signature of the person who prepared it, the firm name, if applicable, the complete address including the zip code, the telephone

and facsimile number, including the area code. All attorneys shall note their bar roll number on all documents and correspondence.

- B. Copies of all correspondence and any other instrument sent to the Board shall be mailed by the party originating the correspondence to all other parties of record indicated and a certificate to that effect shall be attached to the original and filed with the Board.

Section 1405 Written Motion Required

An application to the Board, if not presented in some other pleading, shall be by Motion which, unless made during appeal or hearing shall be in writing. The written Motion shall state the grounds therefore and the relief or order sought.

Section 1406 Ex Parte And Contradictory Motion

- A. If the order applied for by written Motion is one to which the mover is clearly entitled without supporting proof, the Chairperson may grant the Motion ex parte and without hearing the adverse party.
- B. If the order applied for by written Motion is one to which the mover is not clearly entitled or which requires supporting proof, the Motion shall be served on and tried contradictorily with the adverse party. The Rule to Show Cause is a contradictory Motion.
- C. The Rule to Show Cause is designed to assure that both parties are afforded an opportunity to be heard and to present necessary evidence to the Board. The procedure is favored and shall be construed to accomplish these ends.

XV. Production of Evidence

Section 1501 Discovery and Attendance of Witnesses

The Hearing process shall be available to aid any party in pursuit of discovery and to compel attendance of witnesses or production of evidence. Copies of discovery documents are to be mailed to all parties and shall not be filed in the record of the proceedings unless attached as an exhibit

to a Motion or ordered by the Board.

Section 1502 Objections to Discovery

Objections to discovery shall be governed by LSA-R.S. 33:2501(3), the Louisiana Code of Evidence and the Louisiana Code of Civil Procedure.

Section 1503 Protective Orders

Upon Motion by a party or by a person from whom discovery is sought, and for good cause shown after contradictory Hearing, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

XVI. Subpoena

Section 1601 Issuance; Service

- A. All requests for subpoenas shall be filed with the Secretary to the Board at least 10 days prior to the scheduled hearing date.
- B. Subpoenas issued in connection with any Civil Service matter shall be served by an officer of the City of Houma Police Department.
- C. Once issued and served, a subpoena may be canceled by the requesting party only after written notice to the opposing side. It shall be the responsibility of the requesting party to provide written notification of cancellation to all opposing parties as well as the person on the subpoena.

Section 1602 Subpoena of Confidential Records

- A. All medical and payment records of an employee shall be confidential and privileged and shall not be subject to subpoena, except that such records may be produced in a response to an Order of the Civil Service Board based upon the Board's findings that the record is relevant and necessary to the resolution of the issue before the Board.

XVII. Discovery

Section 1701 Scope of Discovery

- A. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending claim, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not grounds for objection that the information sought will be inadmissible at the hearing or appeal if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- B. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired except as follows:
1. A party is under a duty to supplement his response with respect to any questions directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as a witness at Trial, the subject matter on which he is expected to testify and the substance of his testimony; and
 2. A party is under a duty to amend a prior response if he obtains information indicating that the response was incorrect when made or he knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.
- C. A duty to supplement responses may be imposed by order of the Board, agreement of parties, or at any time prior to the hearing or appeal through new request for supplementation of prior responses.

Section 1702 Discovery Methods

The parties may obtain discovery by any method authorized by the Louisiana Code of Civil Procedure.

XVIII. Continuance**Section 1801 Form Required**

Any request for a continuance shall be in written form.

Section 1802

- A. A contested Motion for a continuance shall be tried summarily and contradictorily with the opposing parties.
- B. Every uncontested Motion for a continuance shall be signed by all parties to the claim and/or their attorney and shall certify that all witnesses have been timely notified of the continuance.
- C. A continuance shall not be granted for the absence of a non-subpoenaed witness.
- D. A continuance shall not be granted for the absence of a subpoenaed witness if the subpoena was not issued in accordance with Section 1601.
- E. A continuance shall not be granted based upon a conflict in the schedule of any party or attorney if the conflict arose after the assignment of the hearing or appeal date.

XIX. Trial**Section 1901 General**

- A. The Board shall decide all questions of fact presented at a hearing or appeal.
- B. The attorney for the Board shall inform the Board of the applicable law concerning the legal issues presented at the hearing or appeal.
- C. The attorney for the Board shall preside over the procedural aspect of the hearing or appeal including, but not limited to, sequestration of witnesses, presentation of all arguments by the parties, presentation of witnesses by the parties and closing arguments.

- D. All hearings and appeals shall be open to the public.
- E. Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.
- F. Parties and witnesses shall be subject to cross examination as in civil trial.
- G. The burden of proof shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex or race.
- H. In appeals of disciplinary action by an employee, the appointing authority will be first to present evidence and testimony followed by the evidence and testimony of the employee. The appointing authority shall have the right of rebuttal.
- I. Board members and the Board attorney may ask questions of witnesses.
- J. The Board may, on request of any party or on its own motion, place witnesses under sequestration and thus exclude them from the hearing room.
- K. The Board shall have complete charge of any such hearing and appeal and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal.
- L. The Board may delegate or assign to the Board attorney any task, function or aspect of a Civil Service hearing or appeal. However, the Board attorney shall not have the right to vote.
- M. The Board may conduct an executive session at the conclusion of any hearing or appeal. The only individuals present for an executive session shall be Board members and the Board attorney.
- N. The concurring vote of three members of the Board is necessary to overturn or modify a decision by the appointing authority. If the Board does not overturn

or modify the decision of the appointing authority by the concurring vote of three members, the Board shall be considered to have affirmed the action of the appointing authority.

Section 1902 Evidence - General

- A. The Civil Service hearing or appeal shall not necessarily be bound by the legalistic rules of evidence. However, the Board shall limit the proceeding to matters having a reasonable relevance to the issues before the Board.
- B. In adversary proceedings, the attorney for the Civil Service Board shall decide the admissibility of any evidence and/or argument presented by the parties. The attorney shall also rule on all objections presented by any party. The decision of the Board attorney concerning evidence and/or an objection shall be final.
- C. In non-adversary proceedings, the Civil Service Board shall decide the admissibility of any evidence and/or argument presented by the parties. The Board shall also rule on all objections presented by any party.
- D. When the attorney for the Board rules against the admissibility of any evidence, he may either permit the party to present such evidence outside of the presence of the Board to make a complete record thereof, or permit the party to make a statement on the record setting forth the nature of the evidence outside of the presence of the Board.
- E. At the request of any party, the attorney for the Board may allow any excluded evidence to be offered, subject to cross-examination, on the record during a recess or such other time as the attorney shall designate; or by deposition taken before a certified court reporter within five (5) days subsequent to the exclusion of such evidence or the completion of the Hearing, whichever is later. When the record is completed during a recess or other designated time, or by deposition, there will be no necessity for the requesting party to make a statement setting forth the nature of the evidence.
- F. In adversary proceedings, the attorney for the Board

shall state the reason for his ruling as to the inadmissability of the evidence on the record. This ruling shall be reviewable on appeal without the necessity of further formality.

- G. If the attorney for the Board permits the party to make a complete record of the evidence held inadmissible, he shall allow any other party the opportunity to make a record in the same manner of any evidence bearing upon the evidence held to be inadmissible.

Section 1903 Testimony of Medical Personnel

Expert medical testimony may be admitted as follows:

- A. Reports of any healthcare provider certified as a true copy in accordance with LSA-R.S. 13:3715.1.
- B. Depositions.
- C. Oral examination at the Hearing.
- D. Any other manner provided by law.

Section 1904 Evidence of Other Matters

- A. The Civil Service Board shall not review whether or not discipline was imposed against other employees of the Fire and/or Police Department concerning the same or similar conduct in determining whether the disciplinary action against the employee who requested a Hearing was in good faith for cause.
- B. The Civil Service Board shall not consider the severity of disciplinary action imposed against other members of the Fire and/or Police Department for the same or similar conduct to determine if the appointing authority acted in good faith for cause concerning a disciplinary action against the employee who requested such Hearing.

XX. Judgements

Section 2001 Submission of Evidence

A case or other matter shall be considered as having been

fully submitted for decision immediately upon the conclusion of the Hearing or Appeal or final submission of all evidence. The parties shall file all evidence into the record at the time of the Hearing, unless an extension is granted by the Board for good cause shown. In instances when the Board allows briefs or the inclusion of additional evidence, the parties shall be allowed a maximum of ten (10) working days from the conclusion of the Trial or Hearing to file post-trial Memorandums.

Section 2002 Issuance

- A. At the conclusion of the Hearing or after receipt of all evidence should the Board allow evidence to be presented after the conclusion of the Hearing, the Board may meet in Executory Session to discuss the facts and legal issues.
- B. The Board shall render its decision by Motion approved by at least three (3) members of the Board at an open meeting.

XXI. New Trial

Section 2101 Granting a New Trial

A new Trial may be granted, upon contradictory Motion of any party or by the Board on its own Motion to all or any of the parties or on all or part of the issues or for reargument only.

Section 2102 Peremptory Grounds

A new Trial shall be granted, upon contradictory Motion of any party in the following cases:

1. When the Judgement appears clearly contrary to the law and the evidence.
2. When the party has discovered, since the Hearing, evidence important to the cause, which he could not, with due diligence, have obtained before or during the Hearing.

Section 2103 Discretionary Grounds

A new Trial may be granted in any case if there is good

grounds therefore.

Section 2104 Delay for Applying for New Trial

The delay to apply for a new Trial shall be seven (7) days exclusive of legal holidays. The delay commences to run on the day after the Board passes the Motion concerning issues presented at the Hearing.

Section 2105 Application for New Hearing

A Motion for a new Hearing shall set forth the grounds upon which it is based. When the Motion is based upon Section 2102(2) the allegations of fact therein shall be verified by the Affidavit of the applicant.

Section 2106 Service of Notice

Notice of the Motion for new Hearing and of the time and place assigned to the Hearing shall be forwarded to the parties and/or their attorneys.

Section 2107 Hearing

It shall not be necessary to resubmon the witnesses or to hear them anew at a new Hearing, all such testimony evidence received at the former Hearing shall be considered as already in evidence. Any party may call new witnesses or offer additional evidence and with the permission of the Board recall any witness for further examination or cross-examination as the case may be. However, the parties shall not be permitted to produce new evidence if such evidence was available at the time of the original hearing. When a new Hearing is granted for reargument only, no evidence shall be adduced.

XXII. Appeals

Section 2201 General

All appeals shall be taken in accordance with the procedures set forth in LSA-R.S. 33:2501(E).

XXIII. Attorneys Fees

Section 2301 General

All requests for attorneys fees shall be in conformity with
LSA-R.S. 33:2501.1

XXIV. Public Participation

Section 2401 Open Meetings

All meetings, hearings and appeals of the Civil Service Board shall be open to the public.

Section 2402 Public Participation

- A. Every agenda for a Civil Service Board meeting shall contain an item permitting comments and questions from the public.
- B. Any individual wishing to direct a question or comment to the Board shall place his/her name, address and subject matter of the question or comment on a sign-in document provided by the Board prior to the meeting. Failure of an individual to provide such information on a sign-in document may cause the Board to deny such individual from presenting a question and/or comment at the meeting.
- C. No member of the audience shall direct a question or comment to the Civil Service Board or any member thereof except during that portion of the meeting dedicated to public comment as indicated on the agenda for such meeting.
- D. There shall be a time limit of five minutes for each individual's question and/or comment directed to the Civil Service Board or a member thereof and any response to such question or comment by the Civil Service Board or any member thereof. At the conclusion of such five minute period, the individual shall be seated and any other individual who completed the sign-in document shall be allowed to present questions and/or comments. Each individual shall be limited to one five minute period for question and/or comment at each Civil Service Board meeting. At the discretion of the Board the five minute time period may be extended.
- E. The individual shall treat the Board, its members and officers with due respect; shall not interrupt Board

members or otherwise interfere with or impede the orderly conduct of the meeting.

XXV. Grounds for Disciplinary Action

- A. The appointing authority may remove any employee from the Fire and/or Police Department of the City of Houma or take such disciplinary action as the circumstances warrant for any reason specified in the Constitution, Statutes and Jurisprudence of the State of Louisiana including, but not limited to, LSA-R.S. 33:2471 et seq.
- B. The appointing authority may remove any employee from the Fire and/or Police Department or take such disciplinary action as the circumstances warrant for the violation of any provision of the drug policy and/or drug testing policy of the Terrebonne Parish Consolidated Government or any other policy or procedure of the Fire or Police Department.

XXVI. Civil Service Examinations

Section 2601

- A. Tests for entry upon promotional employment lists shall not be advertised in the newspaper.
- B. Tests for entry upon competitive employment lists shall be advertised in the Houma Daily Courier and Thibodaux Daily Comet in accordance with LSA-R.S. 33:2471 et seq.
- C. Openings for both promotional and competitive positions in both the Fire and Police Departments shall be advertised at the Central Fire Station Building and the Public Safety Complex as specified in the Civil Service Laws of the State of Louisiana.
- D. The Civil Service Board may advertise tests for entry upon competitive employment lists in any parish of the State of Louisiana.

Section 2602

Applications for admission to tests shall be on board

approved forms. Applications shall be received no later than 4:00 P.M. on the date designated for receipt of applications. Applications submitted after the 4:00 P.M. deadline shall be rejected. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Applications shall be kept as a permanent record of the board in accordance with Civil Service Law.

Section 2603

Promotional and competitive employment lists shall be maintained by the Board for not less than twelve (12) months and not more than eighteen (18) months.

Section 2604

Admission to tests shall be governed by provisions of Section 2493 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

Section 2605

Test scores of all Civil Service examinations are to be received and held by the Board Secretary. When results of any examination are furnished to the Board by the State Examiner, the fact that such results have been received, the date of the examination and the positions for which such examinations were administered shall be furnished by the Board Secretary to the Board Attorney. The Board Attorney shall forward a formal request for information to the State Examiner. The request for information shall request from the State Examiner if during the review process of the examination any candidate received advantage by the review. If any candidate received advantage during the review process, the Board attorney shall request from the Office of State Examiner of Municipal Fire and Police Civil Service the test score of each individual who took the test prior to the review process. The Board shall not accept test scores of a test which has been regraded or re-evaluated after administration of the test. The Board

shall not accept test scores of a test from which questions have been deleted or more than one answer is accepted as the correct answer after the test was administered. The Board shall only accept test scores of Civil Service tests which have not been re-evaluated, regraded, questions deleted, or more than one answer recognized as the correct answer after the administration of the test. Employment list shall become effective upon approval by three members of the Board and filing of the same by the Board with the State Examiner.

Section 2606

Test scores or results of Civil Service Examinations shall not be revealed to any individual except members of the Civil Service Board, Board Attorney and Board Secretary until such test scores are approved by a vote of the Board. No individual shall request, receive or release the scores or results of Civil Service Examinations until such results are approved by the Board. Violation of this section shall constitute a violation of the Civil Service Law and these rules and may be grounds for disciplinary action.

XXVII. Distribution of Board Rules

Section 2701

A copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.

Section 2702

A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing. The cost of a copy of the Board rules shall be \$1.00 per page. All funds received for the copying of Board rules shall be forwarded to the Terrebonne Parish Consolidated Government.

XXVIII . Promotions

- A. No person on leave of absence with pay, leave of absence without pay, absence without leave and pay, sick leave, or injury leave shall be eligible for promotion.

- B. When a vacancy is to be filled in a position of a class for which the Civil Service Board is able to certify names of persons eligible for regular and permanent employment and the appointing authority proposes to fill such vacancy, such vacancy shall be filled within 30 days of the date that such position became vacant. This provision shall not apply to the entry level positions of Policeman and Fireman.
- C. When a vacancy is to be filled in a position of a class for which the Civil Service Board is unable to certify names of persons eligible for regular and permanent employment, and the appointing authority proposes to fill such vacancy, the appointing authority shall fill such vacancy within 30 days of the appointing authority receiving from the Civil Service Board a valid employment list for such position. This provision shall not apply to the entry level positions of Policeman and Fireman.
- D. Should the appointing authority fail to fill a vacancy within 30 days of the date such position became vacant when there is a current employment list or within 30 days of receiving an employment list from the Civil Service Board when no valid employment list existed at the time that the position became vacant, then the Board may either file a Petition for Mandamus with the District Court for the Parish of Terrebonne ordering the appointing authority to fill such vacancy; or initiate proceedings to abolish such position.
- E. No time that a person is on leave of any type including, but not limited to, sick leave and injury leave, or vacation shall be utilized to partially or totally satisfy the working test period as specified in LSA-R.S. 33:2495.

XXIX. Leave Policy

Section 2900

The Board adopts the laws, policies and procedures of the Terrebonne Parish Consolidated Government, State of Louisiana and the United States of America concerning leave. The leave referenced by this section includes, but is not limited to, sick leave, vacation, annual leave, military leave and any and all other types of leave

recognized by the laws of the Terrebonne Parish Consolidated Government, State of Louisiana and the United States of America applicable to Fire and Police Department employees of the City of Houma.

XXX. Secretary

The Civil Service Board shall employ a Secretary. No individual serving as Secretary of the Board, except a member thereof, shall have the right to vote. The Secretary shall attend the meetings of the Board; keep a record of its proceedings; receive, prepare and forward correspondence on behalf of the Board, prepare minutes, prepare subpoenas, and perform other functions assigned by the Civil Service Board. The salary of the Secretary shall be established by the Board.

XXXI. Attorney to the Board

The Attorney to the Board shall attend the meetings of the Board; receive, prepare and forward correspondence on behalf of the Board as directed by the Board and perform other functions as assigned by the Board. The Attorney shall advise the Board as to all matters and issues to be decided by the Board. The Board may delegate or assign to the Attorney any task or duty. The attorney shall not vote on any matter.

XXXII. Effect of Rules

These rules shall have the force and effect of law as specified in LSA-R.S. 33:2478.

XXXIII. Severability

The provisions of these rules are severable. Should any section or part of these rules be declared by any Court of competent jurisdiction to be unconstitutional or invalid, the decision of the Court shall not affect the validity of the rules as a whole or any section or part thereof other than the section or part thereof so declared to be unconstitutional or invalid.

XXXIV. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.